

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

&

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 23292 of 2007(W)

PETITIONERS:

1. RAJEEV GEORGE,
CANAN TECHNOLOGIES(P)LTD.,
H.B.68, PANAMPILLY NAGAR,
COCHIN-36.

2. MABLE DAVIS,
W/O RAJEEV GEORGE,
CANAN TECHNOLOGIES(P)LTD.,
H.B.68, PANAMPILLY NAGAR,
COCHIN-36.

BY ADV. SRI.N.RAVIKUMARAN NAIR

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, KADAVANTHARA
POLICE STATION.

2. R.CHANDRASEKHARA PILLAI,
PARVATHY NIVAS, KAVALAMPILLY LANE,
PARADISE ROAD, VYTILA.

3. SREEDEVI, W/O R.CHANDRASEKHARA PILLAI,
PARVATHY NIVAS, KAVALAMPILLY LANE,
PARADISE ROAD, VYTILA.

GOVERNMENT PLEADER SRI.SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/08/2007, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Dated this the 3rd August, 2007

JUDGMENT

BALAKRISHNAN NAIR, J.

The petitioners are tenants of a building owned by the second respondent. Third respondent is the wife of the second respondent. The grievance of the petitioners is that the second and third respondents are using illegal methods to evict them from the building. For that they are using abusive language and also holding out threat and physical harm. Therefore, the petitioners have preferred Ext.P3 representation before the Police and thereafter, this Writ Petition is filed.

2. Learned Government Pleader, upon instructions, submitted that both the parties were summoned to the police station and petitioners undertook to vacate the premises within ten days.

3. If the landlord is trying to evict the petitioners illegally, the remedy of the petitioners is to move the competent civil court. Having regard to the nature of the allegations, we think that it is not proper for this Court to direct the Police to register a crime and investigate the same, as most of the offences alleged are non-cognizable. Even assuming cognizable offences are disclosed, the petitioners have remedies under

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the Code of Criminal Procedure. In view of the above, the Writ Petition is closed.

(K.BALAKRISHNAN NAIR)
Judge

(K.T.SANKARAN)
Judge

ahz/